

Appl. No. 09/755,353
Atty. Docket No. 8387&
Amdt. dated February 26, 2004
Reply to Office Action of 09/10/2003
Customer No. 27752

REMARKS

Claims 1 - 30 are pending in the present application. No additional claims fee is believed to be due.

Claims 14 and 15 have been amended in response to a rejection under 37 CFR 112, 2nd paragraph. The clause "operation of said product" has been changed or eliminated such that Applicants respectfully submit the claims would not be interpreted to refer to an operation step that lacks antecedent support. No new matter is believed to have been added.

Entry of these changes is respectfully requested.

Rejection Under 35 USC 112, First Paragraph

The Office Action States that Claims 14 - 15 are rejected under 37 CFR 112, 2nd paragraph on the basis that the clause "operation of said product" is vague. Claims 14 and 15 have been amended in response thereto in a manner believed overcome the pending objection.

Rejection of Claims 20-30 Under 35 USC 102 (b)/103(a) Over ROE

Claims 20-22 and 25-30 have been rejected under 35 USC 102(a) as being anticipated by or, in the alternative, under 35 USC 103(a) as obvious over ROE et al. (article "The Impact of Health Claims on Consumer Search and Product Evaluation Outcomes: Results from FDA Experimental Data", Journal of Public Policy & Marketing, vol. 18, no. 1, pp 89-105, Spring 1999).

Claim 20 (and dependent claims 21-22 and 25-30) relates to a facility for conducting consumer product research comprising (a) at least one mock environment configured for testing a product in a desired context; and (b) at least one device for collecting information during testing of said product in said mock environment. A "mock environment" refers to an environment which is realistically simulated so as to enable a consumer to interact with a given product in a frame of mind substantially like that in a corresponding real environment (page 4, lines 15-18). The mock environment is a realistic, physical mock-up of the "environment" (e.g., a house or particular room(s) of a house, or a commercial establishment) in which the product to be tested is typically used or in which the consumer typically interacts with the product (e.g., a commercial establishment at which the product is sold). This may be accomplished by the type, cost and arrangement of furnishing, how and in what color the mock environment is decorated, etc. (page 5, lines 25-31). Testing a product in a sterile environment, such as a conference room, or another

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atypical environment would not be expected to engender the same comfort and familiarity that the consumer would experience if tested in a mock environment that simulates the type of environment in which the product is typically used or sold. This can further be expected to adversely affect quality of the data collected from the consumer tests. On the otherhand, conducting consumer tests in the actual environment of its intended use or consumer interaction, such as a consumers actual home, has disadvantages such as limited ability to observe and control the products and environment, as well as present difficulties in collecting data and inconvenience for the testing organization.

The Office Action states that ROE discloses a mock environment configured for testing a product in a desired context. Applicants respectfully traverse this rejection. ROE does not disclose testing products in mock environments as suggested in the Office Action. Rather, ROE discloses that test subject were recruited from a mall and brought to a central facility. The subject were presented with mock "products". However the "environment" at the central facility was not disclosed as being modified to resemble the actual environment in which the mock products would typically be used or in which the consumer would typically interact with them (such as at a commercial establishment). There is clearly no teaching or suggestion to study the subjects in a mock environment as set forth in Applicants Claim 20.

Claim 21 specifies that the mock environment is a house. A house according to the present application refers to a building intended and designed as a residence in which people or consumers live or reside. ROE refers only to a central facility. There is no teaching or suggestion that the central facility be designed or decorated to have the interior décor and appearance of a persons residence or house.

Claim 22 specifies the mock environment is a commercial establishment, such as a retail store (see page 6, lines 22-25), where at a consumer might interact with the product in the normal course of making a purchasing decision.. The central facility of ROE in which the subject of interviewed is not disclosed as being modified to resemble such a commercial establishment.

Applicants submit that Claims 25-30 are novel and unobvious over ROE for the same reasons discussed above with respect to Claim 20.

Rejection of Claims 23-24 Under 35 USC 103(a) over ROE

Claims 23-24 have been rejected under 35 USC 103(a) as obvious over ROE. Applicants submit that Claims 23-24 unobvious over ROE for the same reasons discussed above with respect to Claim 20.

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Rejection of Claims 1-19 Under 35 USC 102 (b)/103(a) Over ROE

Claims 1-19 have been rejected under 35 USC 102(a) as being anticipated by or, in the alternative, under 35 USC 103(a) as obvious over ROE. Applicants submit that Claims 1-19 are novel over and unobvious over ROE for the same reasons discussed above with respect to Claim 20. ROE does not disclose a mock environment as defined and claimed according to the present invention. ROE discloses a mock product (as opposed to and distinct from a mock environment) that is tested by subjects at a central facility, wherein there is no teaching or suggestion that the central facility be designed as an environment that mocks the environment in which the tested product is typically used.

Claim 2 specifies that the mock environment is a house. A house according to the present application refers to a building intended and designed as a residence in which people or consumers live or reside. ROE refers only to a central facility. There is no teaching or suggestion that the central facility be designed or decorated to have the interior décor and appearance of a persons residence or house.

Claim 2 specifies the mock environment is a commercial establishment, such as a retail store (see page 6, lines 22-25), where at a consumer might interact with the product in the normal course of making a purchasing decision.. The central facility of ROE in which the subject of interviewed is not disclosed as being modified to resemble such a commercial establishment.

The rejections of Claims 3-19 also rely upon interpretation of ROE as disclosing testing of products with consumers in a mock environment which, for the reasons discussed above, Applicants respectfully traverse.

Conclusion

In light of the above amendments and remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 USC 112, 102(a), and 103(a). Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-30.

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